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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/552,049	10/04/2005	Andrew T. Yule	5926P074	6165
8791 7590 11/18/2008 BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040				
EXAMINER				
MISLEH, JUSTIN P				
ART UNIT		PAPER NUMBER		
2622				
MAIL DATE		DELIVERY MODE		
11/18/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/552,049

**Applicant(s)**

YULE ET AL.

**Examiner**

JUSTIN P. MISLEH

**Art Unit**

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 October 2008.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-15 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 04 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Inventor's Patent Application  
6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed October 1, 2008 have been fully considered but they are not persuasive.
2. Applicant argues, "At part 7 of the Action, in relation to claim 1, the Examiner suggests that at col.4 lines 4- 10 Baldino discloses 'sampling received GPS signals and storing those GPS signal samples with an indication of the image file...' In fact, the cited lines describe adding location information to the image data in an image file. This location information is provided to the processor by a GPS receiver, which is clearly indicated (at col.4 lines 1-4) to supply 'precise latitude and longitude information'. Baldino therefore clearly teaches the conventional GPS approach, which does not include the feature recited in claim 1 of storing GPS signal samples."
3. The Examiner respectfully disagrees with Applicant's position. To supply "precise latitude and longitude information," Baldino must receive, sample, and store the GPS signals. The claim language recites "sampling the received GPS signals and storing those GPS signal samples with an indication of the image file of the photo or video clip to which those GPS signal samples pertain" (emphasis added by Examiner). This limitation does not actually require storing the sampled GPS signals with the image data so that they can be processed into a GPS position fix later. In fact, the language "with an indication" allows for the very act of storing the GPS position fix together with the image data. For this reason, the rejection will be maintained.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1 – 15** are rejected under 35 U.S.C. 102(e) as being anticipated by Baldino (US 7,007,243).

The Examiner respectfully notes method Claims 1 – 6 appear to correspond to apparatus Claims 7 – 14. For the sake of brevity, Claims 7 - 14 will be grouped with Claims 1 – 6, where appropriate.

6. For **Claims 1, 7, 8 and 12**, Baldino discloses, as shown in figure 4, a method of appending a position stamp to an image file of a photo or video clip taken with a digital camera (402) having a GPS antenna (424) and a s GPS RF front-end including an analogue to digital converter (424) for receiving GPS signals and outputting GPS signal samples, the method comprising the steps of:

(i) upon a user taking a photo or video clip:

(a) creating an image file containing that photo or video clip (see column 4, lines 4 – 10), and

(b) sampling received GPS signals and storing those GPS signal samples with an indication of the image file of the photo or video clip to which those GPS signal samples pertain (see column 4, lines 4 – 10); and

(ii) subsequently processing the GPS signal samples to obtain a position fix and appending the position fix to the image file (see column 4, lines 11 – 45 and figure 1).

7. As for **Claims 2 and 9**, Baldino discloses, as stated in column 4 (lines 4 – 21) and as shown in figure 4, wherein step (ii) is done after an intentional delay (e.g., images are stored in a memory card prior to transferring) has elapsed after step (i).
8. As for **Claims 3**, Baldino discloses, as stated in column 4 (lines 4 – 21), after step (i) but before step (ii), uploading the image file and GPS signal samples to an external computer (e.g., images are stored in a memory card prior to transferring).
9. As for **Claims 4 and 10**, Baldino discloses, as stated in column 4 (lines 11 – 45), after step (i), detecting the connection to the camera of an external power source (i.e., connecting to the PC) whereupon step (ii) is done either automatically or after user confirmation of an automatic prompt for the same (i.e., the computer is operated by an online/offline user/customer who receives and loads digital image files with GPS metadata).
10. As for **Claims 5, 11, and 13**, Baldino discloses, as stated in column 4 (lines 1 – 45), wherein step (i) is performed twice upon a user taking respective first and second photo or video clips, prior to step (ii) being done for the first photo or video clip (user “loads digital image files” onto the PC; hence, a plurality of digital image files have been generated).
11. As for **Claims 6 and 14**, Baldino discloses, as stated in column 4 (lines 1 - 10), wherein the GPS signal samples are stored in a file format (as “metadata” together in the image file).
12. For **Claim 15**, Baldino discloses, as shown in figure 4, a computer (426) comprising a processor (430) and receiver (428), and configured to:

(a) receive through the receiver (428) an image file containing a photo or video clip, GPS signal samples and an indication of the corresponding image file to which the GPS signal samples pertain by virtue of having been sampled when the corresponding photo or video clip was taken (see column 4, lines 1 – 45);

(b) process the GPS signal samples to obtain a position fix; and (c) append the position fix to the corresponding image file (see column 4, lines 1 – 45 and figure 1).

### ***Conclusion***

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

14. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Justin P Misch whose telephone number is 571.272.7313. The Examiner can normally be reached on Monday through Friday from 8:00 AM to 5:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Sinh Tran can be reached on 571.272.7564. The fax phone number for the organization where this application or proceeding is assigned is 571.273.8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**/Justin P. Misleh/  
Primary Examiner  
Group Art Unit 2622  
November 19, 2008**